



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,423	05/16/2001	Lutz Richter	A-2845	3468

7590 10/15/2002

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,423

Applicant(s)

RICHTER ET AL.

Examiner

Michael S Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3652

Specification

The disclosure is objected to because of the following informalities:

On page 12, item 34 is called both a setting screw and guides.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the printed and flat products, cards etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because items 114 and 112 are said to both be stops even though 114 appears to point to a fixing screw. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3652

Claims 2, 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, the metes and bounds of this claim are uncertain. It is not clear whether the claim is drawn to the combination of the feeder and one or more processing machines or to the feeder alone.

Re claims 9-17, the scope of the claimed invention cannot be determined since the preambles recite specific types of apparatus, while the claims do not set forth the structures related to or able to perform the functions of the particular apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moll (US 5,732,941).

Re claims 1, 12, 14, 16, Moll teaches a feeder for separating and feeding flat products 46 to printed-product processing machines 75 (the preamble is merely interpreted as intended use since the body of the claim recites no

Art Unit: 3652

structure specific to any the types of machine set forth), the feeder comprising a feeder superstructure (not numbered) and an apparatus 20 attached to the feeder superstructure for ensuring mobility.

Re claim 2, Moll teaches the feeding superstructure separating the flat products 46 on a printed-product processing machine separately from a rest of the printed-product processing machines.

Re claim 3, Moll teaches the apparatus 20 having one of wheels and rollers.

Re claim 4, Moll teaches the apparatus which ensures mobility can fix the feeder superstructure in place (column 2, paragraph 3).

Re claim 5, Moll teaches the feeder superstructure and apparatus forming a modular unit.

Re claim 6, Moll teaches the feeder superstructure (not numbered) having a separating apparatus 65 and said apparatus that ensures mobility 20 has a subframe (not numbered) attached to the superstructure.

Re claim 7, Moll teaches the subframe having guides and stops (column 2, paragraph 3).

Re claim 8, Moll teaches a transport device for printed products comprising a frame (not numbered) and stops 27 disposed on the frame for fixing mobile feeders.

Re claim 9, the preamble of this claim is not commensurate with body of the claim and has thus been treated as merely intended use. Therefore, Moll teaches feeders 10, a transport device (not numbered) for gathering printed

Art Unit: 3652

products 46, a supporting device (not numbered) supporting the feeder forming a module being independent of the transport device (not numbered).

Re claim 10, Moll teaches the supporting device being able to connect to said transport device.

Re claim 11, Moll teaches the module (not numbered) has an apparatus 20, which ensures mobility of at least one feeder.

Re claims 13,15, 17, the preambles merely express intended use, therefore Moll teaches (figure 2) a machine with a transport device (not numbered) for transporting printed products 46 containing a frame (not numbered) and stops 27 disposed on the frame for fixing mobile feeders.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-3:30pm M-F; alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Art Unit: 3652

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

msl
October 9, 2002

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600